



Nevada Department of Corrections

ASCA Use of Force Study
Status Report to
The Board of Prison Commissioners
January 14, 2016

E.K. McDaniel
Interim Director



Nevada Department of Corrections

The Nevada Department of Corrections contracted with the Association of State Correctional Administrators (ASCA) to conduct a Use-of-Force Study to:

- **Conduct a review of the NDOC Use of Force Policy, AR 405 entitled “Use of Force Standards”**
- **Conduct a review and assessment of all use of force incidents that have occurred within the last 3 years within the NDOC that involved the discharge of a firearm**
- **Conduct an analysis and provide recommendations of the use of force pre-service training programs delivered to employees of the NDOC.**



Nevada Department of Corrections

ASCA Recommendations from the Study

- 1. Continue implementation of the 2014 Staffing Needs Study recommendations**
- 2. Revise AR 405 to establish clear policy guidance for staff to follow**
- 3. Use the Informational Bulletin process in the revision of AR 405 in order to expedite implementation**
- 4. Augment the NDOC training budget to improve range conditions, increase CER annual in-service training to the ACA standard of 40 hours per year, and enable quarterly qualification for all staff assigned to armed positions**
- 5. Train and certify all custody staff in the use of OC and require issuance of OC to all custody staff who may be in direct contact with inmates**
- 6. Require issuance of either PR-24 batons or ASP collapsible batons to all uniformed staff.**
- 7. Issue handcuffs to all custody staff**
- 8. Ensure all staff assigned to armed posts are qualified in the use of the 37mm launcher and assign that launcher and appropriate projectiles to all posts covering inmate movements.**
- 9. Establish a formal Executive Use of Force Review process at each institution.**
- 10. Discontinue the routine deployment of the 12-gauge shotgun with 7-1/2 bird shot on armed posts once recommendations 1 through 7 have been fully implemented.**



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Status of Recommendation Implementation

1. Continue implementation of the 2014 Staffing Needs Study recommendations

Status: The Governor included in his Executive Budget submitted to the 2015 Legislature the Shift Relief Factor update which was the highest priority of the Staffing Study. That request included 100 new Correctional Officers. The Legislature approved the first 45 new Officers to be hired in FY 2016 with hiring phased into two phases. The first phase of 22 scheduled for hire October 1st, have all been hired, trained, and are now on the job. The second phase of 23 have been hired as of January 4th, and are scheduled for the first available academy. Authorization for the remaining 55 to be hired in FY 2017, was allocated to the Interim Finance Committee to be released to the NDOC upon reporting to them in or near June of 2016.

The second part of the ASCA Staffing Needs Study recommended an additional 399 new posts. The Department disputes statements made in the report that the Department has the highest prisoner to staffing ratio of any state department of corrections in the country, and nearly twice the national average of 6.27 prisoners to one security staff member. In analyzing all staff that deal with, interacts with, and are specifically trained to supervise inmates, the actual NDOC inmate to staff ratio is 5.08 inmates per trained staff member.

The Department agrees that some of the recommended new correctional posts would increase efficiencies and enhance security, but feels that those recommendations need to be revisited after all the new Shift Relief Factor positions have been filled. The Department will continue to evaluate the need for additional staff.



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Status: Administrative regulation 405 Use of Force has undergone a detailed revision. Having been reviewed by the Executive Staff and implemented as a temporary AR, the current version has been submitted to NDOC personnel for final comments with a deadline of 1/18/2016. Once additional input has been received and discussed, the temporary may be further revised prior to the next Board meeting.

Revisions include:

- **Inclusion of less lethal rubber Stinger round,**
- **Specific authorization for:**
 - ★ **use of force**
 - ★ **use of less than lethal force**
 - ★ **use of deadly force,**
- **Executive review of all uses of force,**
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Status: AR Revision Procedure is dictated by Administrative Regulation and is approved by the Board of Prison Commissioners. The Regulation can be approved in a timely manner by utilizing our current procedures.

4. Augment the NDOC training budget to improve range conditions, increase CER annual in-service training to the ACA standard of 40 hours per year, and enable quarterly qualification for all staff assigned to armed positions

Status: In-service training has been increased to comply with, or exceed, ACA standards for all Correctional Personnel from 24 hours to 40 hours beginning February 2016. Courses added or augmented include:

- use of force training has been increased to 4 hours for all department staff
- defensive tactics / self-defense
- verbal judo (de-escalation techniques)
- chemical agents
- ethics
- suicide prevention
- inter-personal communications
- inmate supervision
- safety and security reviews
- inmate cultural diversity and lifestyles
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- 5. Train and certify all custody staff in the use of OC and require issuance of OC to all custody staff who may be in direct contact with inmates***

Status: Chemical agent training for staff usage has been implemented. Training has been completed at all institutions and facilities. Training provided was four hours of instruction and included in part:

- crowd management,
- retention of OC containers,
- physical and psychological effects,
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- medical evaluations.

Note: Staff that have inmate contact in appropriate locations (most direct inmate contact areas) are now issued OC and are currently carrying OC spray.

- 6. Require issuance of either PR-24 batons or ASP collapsible batons to all uniformed staff.***

Status: PR-24 baton training has been and is continuing to be conducted in all training academies. The batons are available for issuance if needed within institutions. Expandable baton training is currently being conducted for specialized areas as identified as being needed. The issuance of PR-24 batons or expanded batons to all uniformed staff will be evaluated for the need and use of all uniformed staff that would have direct contact with inmates. The cost of the batons will be studied and considered for inclusion in the NDOC agency budget request.



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7. Issue handcuffs to all custody staff

Status: All appropriate custody staff have been and will continue to be issued handcuffs and additional restraint devices as needed. The availability of handcuffs has always been a procedure within the NDOC in appropriate locations.

8. Ensure all staff assigned to armed posts are qualified in the use of the 37mm launcher and assign that launcher and appropriate projectiles to all posts covering inmate movements.

Status: The use of the 37mm launcher is a weapon that is mainly used outdoors and only for very specific applications such as, moving a crowd in a riot situation. It deploys several types of chemical agents that are either barricade piercing or muzzle dispersing. This report did not describe any incidents that could have been resolved with the use of the 37mm launcher.

In July 2015, NDOC conducted training specific to the use of 37 mm or 40 mm chemical agent launchers. Training was 32 hours in length and targeted staff included emergency, riot, and tactical response staff.

Training included:

- **use of force considerations,**
- **munition applications, and**
- **legal implications.**



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ASCA Recommendations from the Study

9. Establish a formal Executive Use of Force Review process at each institution.

Status: The NDOC currently has a use of force review process in place which reviews all incidents that occur. That procedure has now been included in AR 405 that requires a detailed review of all uses of force. The reviewing and determining of the actions of staff following all incidents has always been and will continue to be imperative to NDOC.

The NDOC conducts the following after-incident review processes:

- **Less lethal force will result in a Use of Force Review panel convening within five (5) business days from the use of force. The review panel will be comprised of staff not directly involved in the incident and will include a minimum of an Associate Warden and an institutional command member at a level of authority of a Correctional Lieutenant or above from the institution involved, and**
- **Any use of deadly force or less lethal force causing serious bodily harm will result in convening a Serious Incident review panel within fifteen (15) days from the sue of force. The review panel will be comprised of staff not directly involved in the incident and will include at a minimum a Warden and/or Associate Warden from an institution not involved in the use of force, an Investigator or Supervisory Investigator from the Inspector General's Office and an institutional command staff at a level of authority of a Correctional Lieutenant or above from an institution not involved in the use of force.**



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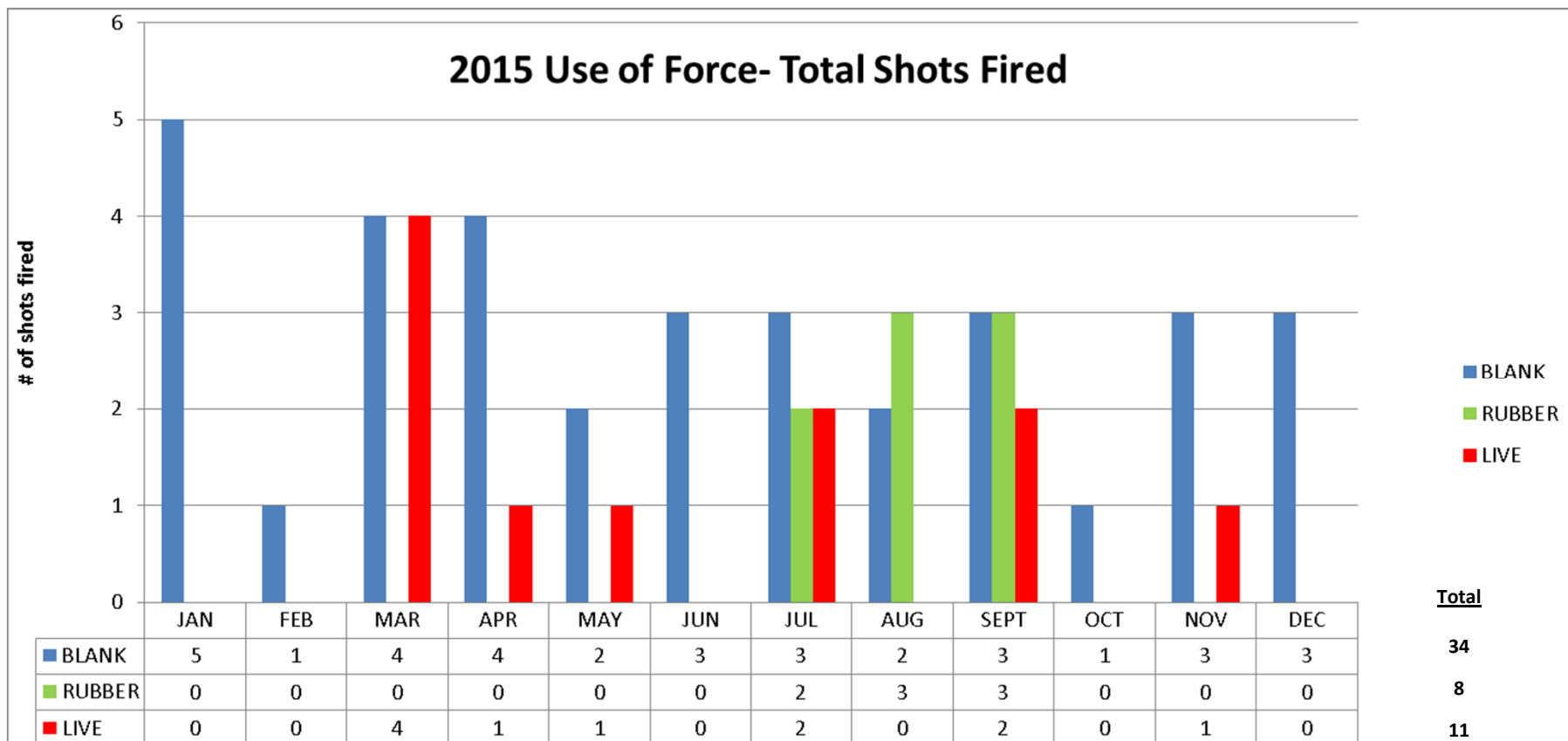
Status: With the revised AR 405 now implemented as a temporary AR, enhanced training has been provided, and additional use of force tools have been made available to improve the officers ability to stop inmates who are assaulting each other, the need to utilize the shotgun with 7.5 birdshot has been reduced as show in in the following chart:

In July 2015 the NDOC directed HDSP to implement and test the effectiveness of rubber stinger rounds in use of force incidents. After favorable reviews, the remainder of the NDOC began the process of procuring and training of custody personnel on the use of rubber rounds in October 2015. At this time, the training has been completed and the rubber rounds are in use throughout the NDOC.

The chart on the following page details the results, which is the overall decrease in use of live rounds since July of 2015.



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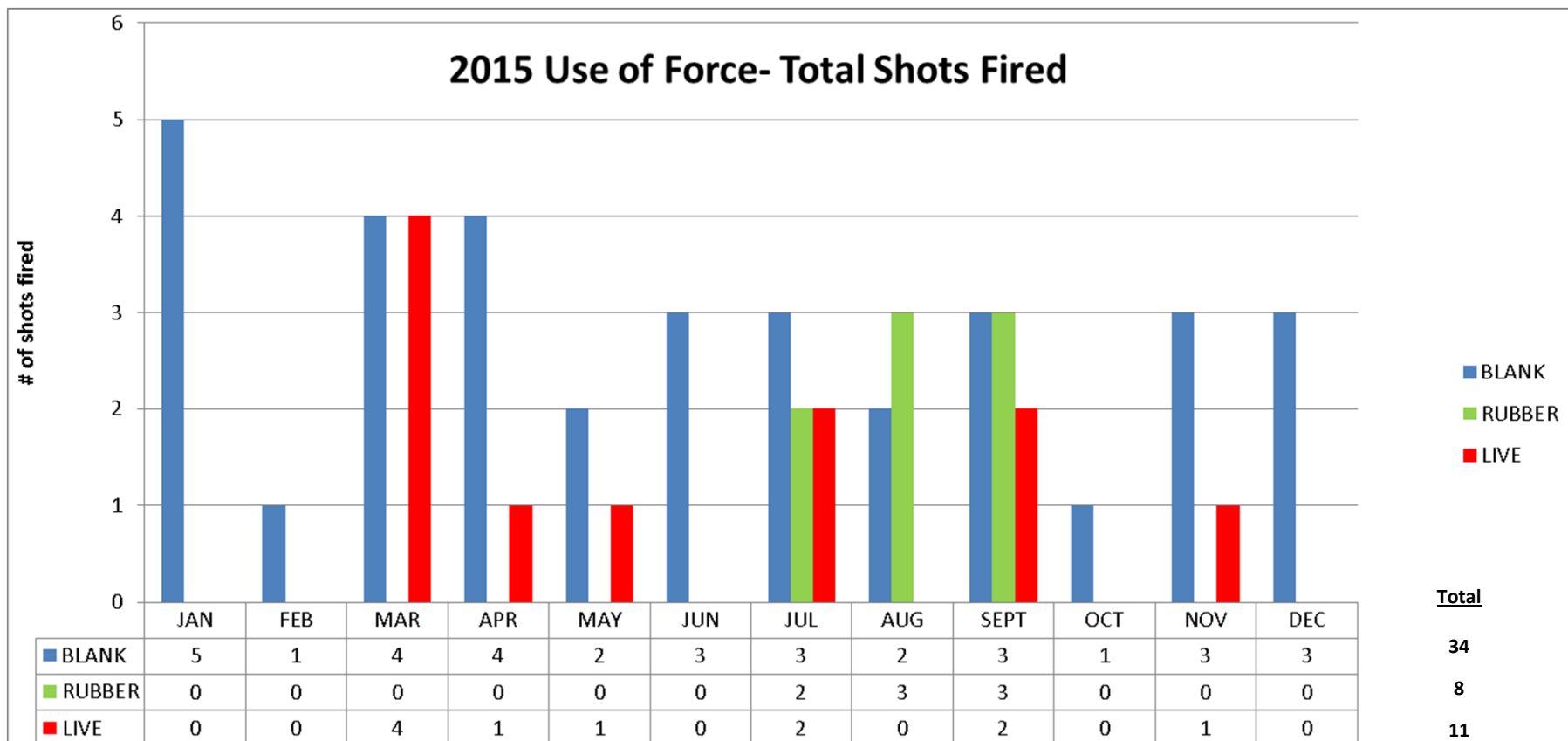
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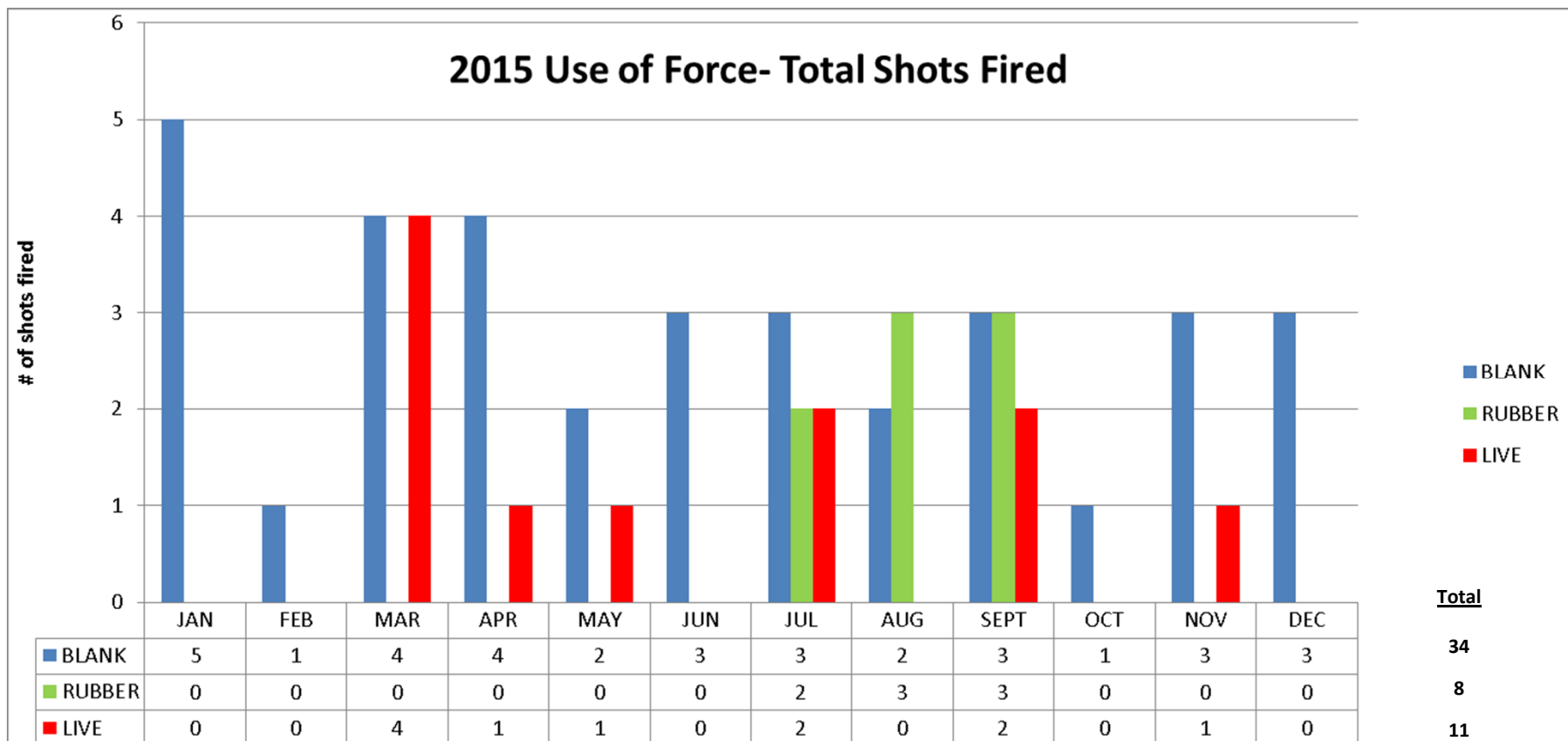
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